



RECEIVED

JAN 20 2004

TECH CENTER 1600/2900

Patent Case: ID01152 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X	:
In Re Application of:	:
WEBER <i>et al.</i>	:
For:	:
HEPATITIS C VIRUS NS3	:
HELICASE FRAGMENTS	:
Application No.: 09/825,423	:
Filed: April, 3 2001	:
-----X	:

	Examiner: Not yet assigned
	Art Unit: Not yet assigned
	Confirmation No.: 2057
	Date: 12 January 2004

Schering-Plough Corporation
Kenilworth, NJ 07033-0530

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. §1.181

Sir:

Applicants request withdrawal of the November 28, 2003 Notice of Abandonment Under 37 C.F.R. §1.53(f) or (g) (hereafter "Notice of Abandonment") in the above-identified application. A copy of the Notice of Abandonment is enclosed at Exhibit A. In accordance with 37 C.F.R. §1.181(f), this petition is being filed within two months of the mail date of the Notice of Abandonment. Thus, this petition is timely filed.

The Notice of Abandonment states that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed December 5, 2001. The Notice of Abandonment states that no

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/825,423	
	Filing Date	April 3, 2001	
	First Named Inventor	Patricia C. WEBER	
	Group Art Unit	Unassigned	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	13	Attorney Docket Number	ID01152

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Response To Notice To Comply (2 pgs) Notice To Comply... (1 pg) Sequence Listing Paper Copy (9 pgs) Computer Readable Copy Return Receipt Post Card
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael D. Davis
Signature	<i>Michael D. Davis</i>
Date	December 20, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date <u>December 20, 2001</u>			
Typed or printed name	Michael D. Davis		
Signature	<i>Michael D. Davis</i>	Date	December 20, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Patricia C. Weber *et al.* Group Unit: Unassigned
Serial No. : 09/825,423 Examiner: Unknown
Filed : April 3, 2001 Date: December 20, 2001
For : HEPATITIS C VIRUS NS3 HELICASE FRAGMENTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC. 20231 on		
<u>December 20, 2001</u> Date of Deposit	<u>Michael D. Davis</u> Registered Representative	<u>Michael D. Davis 12/20/01</u> Signature & Date

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated December 5, 2001, now due for response on February 5, 2002, and in accordance with 37 CFR 1.825 (a)-(g) the Applicants submit herewith a substitute computer readable copy of the Sequence Listing, a paper copy of the same, a Statement as required, and a copy of the Notice to Comply.

The undersigned hereby states that the content of the sequence information recorded in computer readable form is identical to the written (paper) Sequence Listing enclosed, and contains no new matter in accordance with 37 CFR 1.821 (e), (f) and (g) and 37 CFR 1.825 (b) and (d).

Serial No.: 09/825,423

Docket No. ID01152

AUTHORIZATION

No fee is believed to be necessary, however, if the Applicants are mistaken, the Commissioner is hereby authorized to charge any fees which may be required for this response to Deposit Account No. 19-0365.

Respectfully submitted,



Michael D. Davis
Attorney for Applicant(s)
Registration No.: 39161
Telephone No.: (908) 298-2194

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
Date: December 20, 2001

SEQUENCE LISTING
ID0152 (word and notepad)

Weber et al.
09/825,423

reply was received. Applicants file this petition because (1) applicants did not receive a December 5, 2001 Notice to File Missing Parts in the above-identified application; and (2) applicants timely and properly responded to a December 5, 2001 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (hereafter "Notice to Comply"). Thus, applicants believe the application is not abandoned and the holding of abandonment should be withdrawn.

(1) Applicants' undersigned representative hereby states that a search of the application file jacket and the docket record for the appropriate time period indicates that a Notice to File Missing Parts mailed December 5, 2001 was not received by applicants. As there is a two-month period for reply set for a Notice to File Missing Parts, a copy of the docket record from December 5, 2001 to February 5, 2002 (pages 159-177 of the 3/9/00-9/16/02 Log In Book)¹ is submitted herewith at Exhibit B as documentary proof of nonreceipt of this Office Communication. See Manual Patent Examining Procedure 711.03(c)II.

(2) Applicants received a December 5, 2001 Notice to Comply (a copy of which is enclosed at Exhibit C), which stated that the computer readable form (CRF) was damaged and/or unreadable.² The Notice to Comply further stated that a substitute CRF and a statement that the content of the sequence listing information on the CRF is identical to the written sequence listing must be submitted. A response to the Notice to Comply was due February 5, 2002.

¹ Applicants have redacted the docket number, series number and first three digits of the application serial number of those cases not related to the above-identified application.

² Receipt of the Notice to Comply is noted on page 160 of the Log In Book (Exhibit B).


Applicants responded to the Notice to Comply on December 20, 2001 by first class mail bearing an executed Certificate of Mailing. Applicants enclosed (a) a transmittal letter, (b) a substitute CRF, (c) a substitute written (paper) Sequence Listing, (d) a Response to the Notice to Comply and (e) a postcard listing these enclosures (copies of (a)-(e) are enclosed at Exhibit D). The Response to the Notice to Comply included a statement that the content of the sequence information recorded in CRF was identical to the written Sequence Listing and contained no new matter.

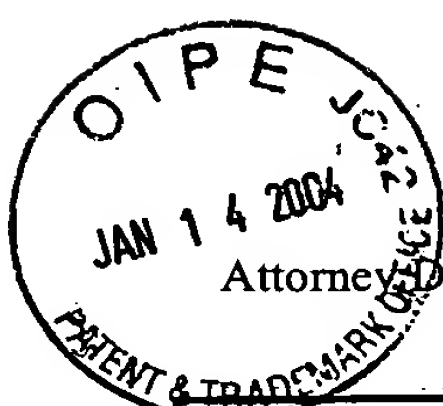
Applicants received the postcard stamped January 24, 2002 by OIPE of the Patent and Trademark Office on February 4, 2002 (a copy of which is enclosed at Exhibit E), indicating that the Patent and Trademark Office received the Response to the Notice to Comply and its accompanying items. Thus, applicants believe that they timely and completely responded to the Notice to Comply and that this response was received by the Patent and Trademark Office.

For the above reasons, applicants respectfully request withdrawal of the holding of abandonment and subsequent prompt examination of the above-identified application.

Respectfully submitted,

Schering-Plough Corporation
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530


Karen E. Brown
Reg. No. 43,866
Attorney for Applicants
(908) 298-2902



Attorney Docket No.: ID01152

PTO/SB/92 (08-03)

(Modified)

Application No.: 09/825,423

Filing Date: 04/03/2001

Applicant: Patricia C. Weber, et al.

Title: HEPATITIS C VIRUS NS3 HELICASE FRAGMENTS

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JAN 20 2004

TECH CENTER 1600/2900

on January 12, 2004

Date

Karen E. Brown

Signature

Karen E. Brown, Reg. No. 43,866

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Documents enclosed:

Petition to Withdraw Holding of Abandonment (3 pgs.) (attaching Exhibits A-E)

Certificate of Mailing (1 pg.)

Post Card

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

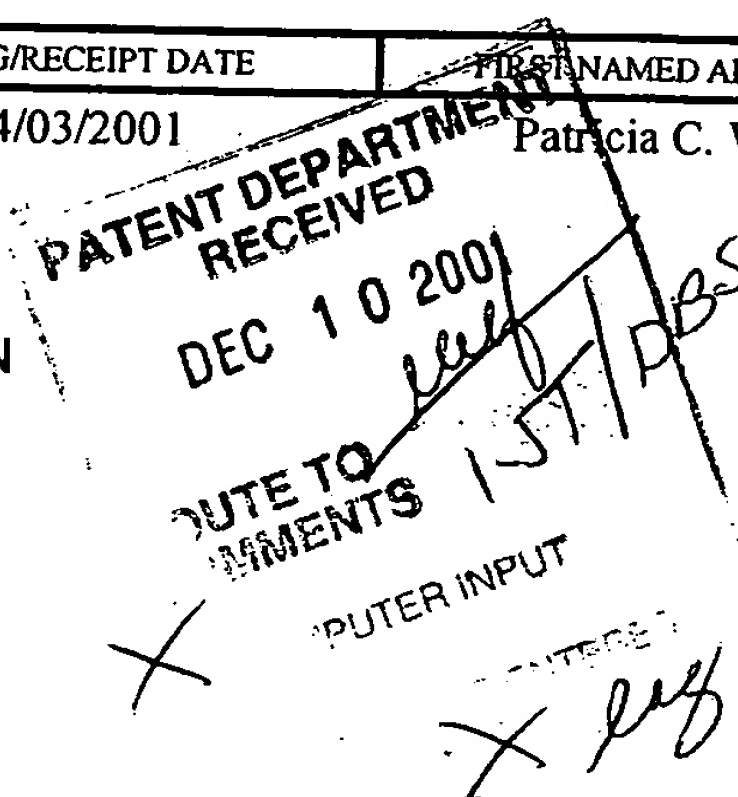


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,423	04/03/2001	Patricia C. Weber	ID01152

24265
SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530



CONFIRMATION NO. 2057

FORMALITIES LETTER



OC000000007156208

Date Mailed: 12/05/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/825,423	04/03/2001	Patricia C. Weber	ID01152

24265
 SCHERING-PLOUGH CORPORATION
 PATENT DEPARTMENT (K-6-1, 1990)
 2000 GALLOPING HILL ROAD
 KENILWORTH, NJ 07033-0530

CONFIRMATION NO. 2057

ABANDONMENT/TERMINATION
LETTER

OC000000011377562

Date Mailed: 11/28/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/05/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

OIPe

Re-run

BIOTECHNOLOGY
SYSTEMS
BRANCH



GRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/825,423B

Filing Date: 4/3/2001

Date Processed by STIC: 2/8/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
- ☐ Blank (no files on CRF) (see attached)
- ☐ Empty file (filename present, but no bytes in file) (see attached)
- ☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
- ☐ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- ☐ Did not contain a Sequence Listing. (see attached sample)
- ☐ Other: _____

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

LOG IN
BOOK
3/9/00 - 09/16/2000

1	AWM	Dec 4, 2001	720	Issue Notification	AWM
1		(cont'd)		Confirmation No. 2416	
m	1JT		215	Filing Receipt	TDH
	DBS			Confirmation No. 5760	
4	MMA			Notice to Comply w/	
	AWM			Requirements of Patents	
				Applications Containing	
				Nucleotide Sequence	
				and/or Amino Acid	
				Sequence Disclosures	
A			054	Notice of Recordation of	RAF
1	WYL		609	Assignment Document	TDH
				Notice of Recordation	
			440	of Assignment Document	RAF
	1JT			Notice of Recordation	
	DBS			of Assignment Document	
	RAF	Dec 6, 2001	145	Notice of Publication	1JT
				Confirmation No. 4777	DBS
	RAF		814	Corrected Filing Receipt	AWM
2)				Confirmation No. 7105	
	RAF		911	Postcard Stamped w/	MMA
				Serial No. 911	
	1JT		367	Postcard Stamped w/	
	DBS			Serial No. 367	WYL
	PGS		434	Postcard Stamped w/	JAM
	MC			Serial No. 434	
	AWM		284	Postcard Stamped w/	AWM
				Serial No. 284	
			080	Postcard Stamped w/	1JT
				Serial No. 080	DBS

Dec. 10, 2001

	456	Issue Notification	1JT	Dec. 10
		Confirmation no. 9678	DBS	(cat'd)
1001152	09/025,423	Notice to Comply With	1JT	
		Requirements for	DBS	
		Patent Applications		
		Containing Nucleotide		
		Sequence And/or		
		Amino Acid Sequence		
		Disclosures; Confirmation		
		no. 2057		
	458	Notice of Incomplete	1JT	
		Reply (Nonprovisional);	DBS	
		Confirmation no. 9570		
	204	Filing Receipt;	AWM	
		Confirmation no. 3230		
	434	Filing Receipt;	JPM	
		Confirmation no. 6928		
	367	Filing Receipt;	W/L	
		Confirmation no. 6184		
	911	Filing Receipt;	MMA	
		Confirmation no. 6076		Dec. 11, 01
	216	Updated Filing	1JT	
		Receipt; Confirmation		
		No. 9916		
	935	Updated Filing Receipt;	AWM	
		Confirmation no. 9284		
	165	Notice of Abandonment	1JT	
	642	Notice of Abandonment	SL	

3	JT/ DBS JT/ DBS	Dec. 10, 2001 (cat'd)	622	Office Action Summary FINAL Notice of References Cited & Initialled 1 DS, 2 References	JT
			649	Office Action Summary; Notice of References Cited; 14 References	RTL
fun			720	Ribbon Copy of U.S. Pat. No. 6,386,380	AWM
			988	Ribbon Copy of U.S. Pat. No. D457,396	RAF
1	JT/ DBS		131	Ribbon Copy of U.S. Pat. No. D457,377	RAF
	AWM		456	Ribbon Copy of U.S. Pat. No. 6,326,137	JT/ DBS
	JPM		132	Notice of Recordation of Assignment Document	RTL
	WZ		385	Notice of Recordation of Assignment Document	JT/ DBS
	MMA				
		Dec. 11, 2001			
	JT		1,751	Postcard Stamped w/ Serial No. 751	RTL
7			064	Postcard Stamped w/ Serial No. 064	PGS
64	AWM		777	Postcard Stamped w/ Serial No. 777	PGS
7	JT		156	Postcard Stamped w/ Serial No. 156	MMA
	RTL		444	Postcard Stamped w/ Serial No. 444	JPM

Dec. 11, 2001
(cont'd)

983	Postcard Stamped w/serial no. 983	TT	Dec. 14,
949	Postcard Stamped w/serial no. 949	ET	
330	Postcard Stamped w/serial no. 330	PSK	Dec. 17,
331	Postcard Stamped w/serial no. 331	PSK	
342	Postcard Stamped w/ Serial no. 342	RLB	
411	Postcard Stamped w/ Serial no. 411	HGJ	
385	Postcard Stamped w/ Serial no. 385	AWM	
293	Postcard Stamped w/ Serial no. 293	RLB	

Dec. 12, 2001

783 Office Action Summary;
Notice of References
Cited; 23 References

Dec. 13, 2001

717	Notice of Recordation of Assignment Document	RTL
900	Notice of Recordation of Assignment Document	RTL
575	Reborn Copy of U.S. Pat. No. 6,329,395	AWM
1098	Softcopies of U.S. Pat. No. 6,451,396(10)	KHF
456	Softcopies of U.S. Pat. No. 6,326,137(10)	

1	TT	Dec. 14, 2001	284	Filing Receipt	AWM
3,83				Confirmation No. 6400	
2	EX		720	Soft Copies of U.S. Pat.	AWM
5949				No. 6,326,380 (10)	
2	PSK				
34,330		Dec. 17, 2001	961	Postcard Stamped w/	HCT
	PSK			Serial No. 961	
31			513	Issue Notification	ANK
4	RLB			Confirmation No. 6724	
12			922	Notice of Publication	IST
w/	HCT			of Appln.; Conf. No. 9049	
w/	AWM		444	Filing Receipt;	JPM
5				Conf. No. 1324; Notice	
w/	RLB			to Comply w/ Requirements	
				for Patent Appln.	
				Containing Recited	
				Sequence and/or Amino	
				Acid Sequence	
				Disclosures	
			983	Filing Receipt; Conf.	TT
				No. 2476	
1	RTL		331	Filing Receipt; Conf.	PSK
next				No. 3965	
5M	RTL		156	Filing Receipt; Conf.	MMA
next				No. 9904	
	AWM		992	Rebbrn Copy of U.S. Pat.	PGS
				No. 6,328,975	
	KAF				
(10)					
(10)					

Dec. 18, 2001

612	Postcard Stamped w/ Serial No. 612	MMA	Dec. 21 (cont)
652	Postcard Stamped w/ Serial No. 652	ANK	
262	Postcard Stamped w/ Serial No. 262	FK	Dec. 21, 2
706	Notice of Publication of Apph.; Conf. No. 7685	RJL	
853	Office Action Summary; Notice of References Cited & 2 References	TDH	
922	Office Action Summary; Notice of References Cited; Initialed IDS; 2 References	HCT	

Dec. 19, 2001

703	Office Action Summary; Notice of References Cited; Initialed IDS; 1 Reference	ITJ DBS	
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Dec. 20, 2001

720	Issue Notification; Confirmation No. 2416	ANM	
026	Notice of Recordation of Assignment Document	MMA	
026	Notice of Recordation of Assignment Document (Ferreira)	MMA	

✓	MMA	Dec. 20, 2000 (cont'd)	575	Softcopies of U. S. Pat. No. 6, 329, 395 (10)	AWM
✓	AWK		992	Softcopies of U. S. Pat. No. 6, 328, 975 (10)	DGS/ NVC
✓	EX	Dec. 21, 2001	585	Maintenance Fee	AWM
	RJL		5,744,467	Statement	
'685			949	Filing Receipt, Confirmation No. 2864	EX
✓	TDH		304	Updated Filing Receipt, Confirmation No. 1079	RAF
✓	HCJ		2081	Notice of Allowance and Issue Fee Due; Confirmation No. 1067; Determination of Patent Term Adjustment Under 35 U.S.C. 154(b); Interview Summary; Examiner's Amendment; Examiner's Statement of Reasons for Allowance	MMA
✓	1JT/ DBS		918	Notice of Allowance and Issue Fee Due; Confirmation No. 4539; Interview Summary; Examiner's Amendment; Examiner's Statement of Reasons for Allowance; Determination of Patent Term Adjustment Under 35 USC 154(b)	MMA
	AWM				
	MMA				
✓	MMA				

Dec. 21, 2001
(cont'd)026 Notice of Recordation
of Assignment
Document (Pharmacopoeia) MMA Dec 27,
(cont'd)

Dec. 27, 2001

920 Postcard Stamped w/ RSL
Serial no. 920948 Postcard Stamped w/ AWM
Serial no. 481071 Postcard Stamped w/ PSK
Serial no. 071

871 Issue Notification; TDA

16'335,032 Confirmation no. 7699

109 Issue Notification; TDA

16'335,347 Confirmation no. 5257

675 Office Action Summary; DRA
FINAL679 Notice to Comply with
Requirements for Patent
Applications Containing
Nucleotide Sequence
and/or Amino Acid
Sequence Disclosures;
Raw Sequence
Listing Error Report;
Initialed IDS

413 Examiner's Answer RAF Jan. 3, 2001

815 Response to 3/2
Communication, Confirma-
tion no. 7102841 Notice of Abandonment TDA
Confirmation no. 2810

MMA	Dec 27, 2001 (cont'd)	1849	Office Action Summary; Confirmation No. 9826 Notice of References Cited; Reference (1)	AWM
RLZ		1958	Notice of Recordation of Assignment Document	EK
1 AWM		340	Notice of Recordation of Assignment Document	TAT
1 PSK		247	Notice of Recordation of Assignment Document	WYL
TDA				
TDA	Jan. 2, 2002	371	Postcard Stamped w/ Serial No. 371	AWM
1, DRA		189	Postcard Stamped w/ Serial No. 189	RLZ
		215703	Office Action Summary; Final; Initialed	
			IDS; Conf. No. 7194	
		293	Filing Receipt; Conf. No. 04729	
		513	Ribbon Copy of U.S.	ANK
		1,333,333	Pat. No. 6,333,333	
		513	Softcopies of U.S.	ANK
		6,333,333	Pat. No. 6,333,333 (10)	
PAF	Jan. 3, 2002	1768	Maintenance Fee Reminder	AWM
na-		5,306,817		
TDA				

Jan. 4, 2002

585	Maintenance Fee	AWM
5,744,467	Reminder	
205	Notice of Publication of Application; Conf. No. 6542	
060	Issue Notification; Conf. No. 1637	TDA
780	Office Action Summary; OFFICIAL	AWM
871	Softcopies of U.S.	TDA
6,335,032	Pat. No. 6,335,032 (15)	
109	Softcopies of U.S.	TDA
6,335,347	Pat. No. 6,335,347 (10)	

Jan. 7, 2
cont'd

Jan. 8, 2

Jan. 7, 2002

702	Maintenance Fee	1JT
5,744,340	Reminder	
385	Filing Receipt; Conf. No. 5848	AWM
121	Response to Request For Corrected Filing Receipt	AWM
2045	Response to Rule 312 Communication	AWM
425	Office Action Summary; Amended 105; Conf. No. 2388	TDA
584	Notice of Recordation of Assignment Document	W/L
522	Notice of Recordation of Assignment Document	1JT PBS

AWM	Jan. 7, 2002 (cont'd)		875	Notice of Recordation of Assignment Document	MMA
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AWM		6,335,347	871	Pat. No. 6,335,347 Ribbon Copy of U.S.	TDA
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TDA	Jan. 8, 2002		469	Notice of Patent Expiration	—
		5,252,729	332	Notice of Recordation of Assignment Document	RAF
JT			908	Notice of Recordation of Assignment Document	WYL
AWM			696	Notice of Recordation of Assignment Document	AWM
AMC			999	Postcard Stamped w/ Serial No. 999	NCT
AWM			571	Postcard Stamped w/Serial No. 571	RJL
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#	DBS				

Jan. 8, 2002
(cont'd)

657	Postcard Stamped w/ Serial No.	EK	Jan. 11
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Jan. 9, 2002

620	Notice of Patent Expiration		
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522	Notice of Publication of Application; Conf. No. 7158		
574	Office Communications; Conf. No. 3635	RAF	

Jan. 10, 2002

683	Notice of Recordation of Assignment Document	RLB	
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Jan. 11, 2002

757	Postcard Stamped w/ Serial No.	HCT	
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U EK	Jan. 11, 2002		1,457	Updated Filing Receipt; Conf. No. 7533	
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RJL			7,683	Notice of Recordation of Assignment Document	RLB
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EK	Jan. 14, 2002	4,871,668		Notice of Patent Expiration	PGS/
332		4,871,866			NVC
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			388	Notification of Defective Response; Conf. No. 4313	JPM
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			920	Filing Receipt; Conf. No. 3111	RJL
			842	Corrected Filing Receipt; Conf. No. 3764	AMC
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RLB			060	Letters Patent Ribbon Copy of US Pat. No. 6,337,090	TDH
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Jan. 14, 2002
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637	Notice of Recordation of Assignment Document	RTL	Jan. 21,
475	Notice of Recordation of Assignment Document	RAF	
2016	Notice of Recordation of Assignment Document	RTL	
668	Notice of Recordation of Assignment Document	DPA	
702	Notice of Recordation of Assignment Document	RAF	
474	Notice of Recordation of Assignment Document	RAF	Jan. 22,
750	Notice of Recordation of Assignment Document	WKL	Jan. 24,
445	Notice of Recordation of Assignment Document	WKL	

Jan. 15, 2002,

251	Postcard Stamped with serial no. 251	HCT	Jan. 25,
917	Office Action Summary; Restriction Requirement	IPM	
386	Notice of Recordation of Assignment Document	RT	

January 16, 2002

751	Filing Receipt, Conf. no. 2109; Notice to File Corrected Appn. Papers	HCT	
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RTL	Jan. 21, 2002	369	Office Action Summary; FINAL	EK
PAF		702	Office Action Summary; Notice of References Cited. 4 References	RAF
RTL		702	Office Action Summary; Notice of References Cited; 3 References	RAF
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RAF				
RAF	Jan. 22, 2002	308	Filing Receipt, Conf. No. 7980	1ST/ DRA
WYL	Jan. 24, 2002	980	Notice of Publication of Application, Conf. No. 5887; Publication No. US-2002-0004587-A1; Publication Date: 1/10/2002	TDH
WYL		340	Corrected Filing Receipt, Conf. No. 9296	TAT
HCT	Jan. 25, 2002	380	Updated Filing Receipt Conf. No. 8334	PSK
JPM		371	Filing Receipt, Conf. No. 2827	AWM
RD		841	Communication from Examiner, Conf. No. 2810	TDH
HCT		071	Filing Receipt, Conf. No. 1388; Notice to File Missing Parts of Nonprovisional Apph.	PSK

Jan. 25, 2002
(cont'd)

308

Filing Receipt;
Conf. No. 7980;

JIT

Feb. 1, 02

Notice to file Missing
Parts of Nonprovisional
Application

Feb. 4, 02

908

Updated Filing
Receipt; Conf.
no. 2127

WYL

Jan. 28, 2002

571

Filing Receipt;
Conf. no. 9057

Jan. 29, 2002

635

Notice of Abandonment
Under 37 CFR
1.53 (b)(2) (g)

RAF

Jan. 30, 2002

767

Postcard Stamped
with Serial no.

RAF-

767

Feb. 1, 2002

836

Postcard Stamped
w/ Serial no.

AWM

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248

Postcard Stamped
w/ Serial no.

MMA

248

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Postcard Stamped
w/ Serial no.

EK

488

768

Postcard Stamped
w/ Serial no.

EK

768

1JT	Feb. 1, 2002	396	Postcard Stamped w/ Serial No. 396	RAF
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Feb. 4, 2002
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277 Filing Receipt
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262 Filing Receipt
Confirmation no. 4083 EK

342 Filing Receipt
Confirmation no. 3945 DLB

935 Office Action Summary; ANM Feb. 6,
Initialed /DS

614 Notice of Allowance
and Fee(s) due
Notice of Allowability;
Notice of Drafting
Patent Drawing
Review; Examiner's
Statement of Reasons
for Allowance Feb. 7,

382 Notice of Allowance
and Fee(s) due EK
Notice of Allowability;
Interview Summary

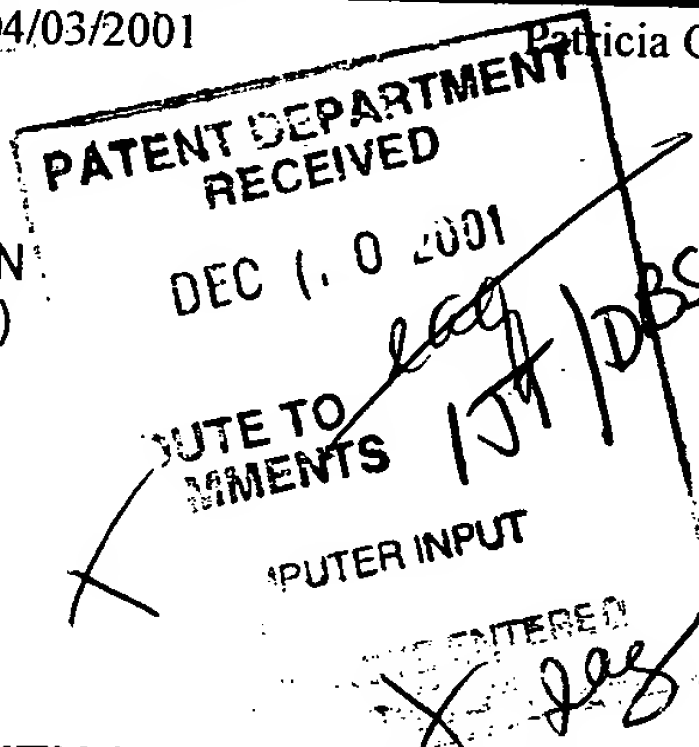


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WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,423	04/03/2001	Patricia C. Weber	ID01152

24265
SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530



CONFIRMATION NO. 2057

FORMALITIES LETTER



OC000000007156208

Date Mailed: 12/05/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice **MUST** be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

*Response to
Notice to Comply
Due:
Jul. 5, 2002*

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/825,423A

Filing Date: 4/3/2001

Date Processed by STIC: 7/17/2001

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)

☐ Blank (no files on CRF) (see attached)

☐ Empty file (filename present, but no bytes in file) (see attached)

☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.

☐ Not saved in ASCII text

☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.

☐ Did not contain a Sequence Listing. (see attached sample)

☐ Other: _____

**PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR DETAILS:**

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

General failure reading drive A
Abort, Retry, Fail?F

General failure reading drive A
Abort, Retry, Fail?F
Current drive is no longer valid>

Onscreen
messages
when STC PC
tried to read
submitted disk

09/825423A

RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Patricia C. WEBER et al.
Serial No.: 09/825,423 Atty: MDD/lm
Filed: April 3, 2001 Case No: ID01152
For: HEPATITIS C VIRUS NS3 HELICASE FRAGMENTS

Enclosed:

☐ Application papers comprising:
 ☐ Request for Filing Provisional Appln.
 ☐ Request for Filing Patent Appln.
 _____ pages of Specification
 _____ pages of Claims
 _____ pages of Abstract
 _____ sheets of Drawing (formal/informal)
☐ Declaration/Power of Attorney
☒ Transmittal letter (1 pg)
☐ Amendment
☐ Notice of Appeal
☐ Appeal Brief (in triplicate)
☐ Petition for Extension of Time
☐ Preliminary Amendment
☐ Information Disclosure Statement
☐ Form PTO 1449
☐ References _____
☒ Response To Notice To Comply (2 pgs)
☐ Issue Fee Transmittal/parts B & C
☐ Charge to Deposit Account No. 19-0365
 in the amount of \$ _____
☒ Copy of Notice To Comply... (1 pg)
☒ Computer Readable copy of Sequence Listing
☒ Written (paper) Copy of Sequence Listing (9pg)
Date Mailed: December 20, 2001
Express Mail Label No.: _____

SEQUENCE LISTING

<110> Weber, Patricia C.
 Reichert, Paul
 Madison, Vincent S.
 Wyss, Daniel
 Yao, Nanhua
 Liu, Dingjiang
 Gesell, Jennifer

<120> Hepatitis C Virus NS3 Helicase Fragments

<130> ID01152 US

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 35 40 45

Asn Gly Val Cys Trp Thr Val Tyr His Gly Ala Gly Thr Arg Thr Ile
 50 55 60

Ala Ser Pro Lys Gly Pro Val Ile Gln Met Tyr Thr Asn Val Asp Gln
 65 70 75 80

Asp Leu Val Gly Trp Pro Ala Pro Gln Gly Ser Arg Ser Leu Thr Pro
 85 90 95

Cys Thr Cys Gly Ser Ser Asp Leu Tyr Leu Val Thr Arg His Ala Asp
 100 105 110

Val Ile Pro Val Arg Arg Arg Gly Asp Ser Arg Gly Ser Leu Leu Ser
 115 120 125

Pro Arg Pro Ile Ser Tyr Leu Lys Gly Ser Ser Gly Gly Pro Leu Leu
 130 135 140

Cys Pro Ala Gly His Ala Val Gly Leu Phe Arg Ala Ala Val Cys Thr
 145 150 155 160

Arg Gly Val Thr Lys Ala Val Asp Phe Ile Pro Val Glu Asn Leu Glu

165										170					175				
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Val	Pro	Gln	Ser	Phe	Gln	Val	Ala	His	Leu	His	Ala	Pro	Thr	Gly	Ser				
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Gly	Lys	Ser	Thr	Lys	Val	Pro	Ala	Ala	Tyr	Ala	Ala	Gln	Gly	Tyr	Lys				
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Val	Leu	Val	Leu	Asn	Pro	Ser	Val	Ala	Ala	Thr	Leu	Gly	Phe	Gly	Ala				
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Tyr	Met	Ser	Lys	Ala	His	Gly	Val	Asp	Pro	Asn	Ile	Arg	Thr	Gly	Val				
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Arg	Thr	Ile	Thr	Thr	Gly	Ser	Pro	Ile	Thr	Tyr	Ser	Thr	Tyr	Gly	Lys				
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Phe	Leu	Ala	Asp	Gly	Gly	Cys	Ser	Gly	Gly	Ala	Tyr	Asp	Ile	Ile	Ile				
		275					280					285							
Cys	Asp	Glu	Cys	His	Ser	Thr	Asp	Ala	Thr	Ser	Ile	Leu	Gly	Ile	Gly				
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Thr	Val	Leu	Asp	Gln	Ala	Glu	Thr	Ala	Gly	Ala	Arg	Leu	Val	Val	Leu				
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Ala	Thr	Ala	Thr	Pro	Pro	Gly	Ser	Val	Thr	Val	Pro	His	Pro	Asn	Ile				
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Glu	Glu	Val	Ala	Leu	Ser	Thr	Thr	Gly	Glu	Ile	Pro	Phe	Tyr	Gly	Lys				
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Ala	Ile	Pro	Leu	Glu	Val	Ile	Lys	Gly	Gly	Arg	His	Leu	Ile	Phe	Cys				
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His	Ser	Lys	Lys	Lys	Cys	Asp	Glu	Leu	Ala	Ala	Lys	Leu	Val	Ala	Leu				
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				405					410					415					
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Thr	Gly	Arg	Gly	Lys	Pro	Gly	Ile	Tyr	Arg	Phe	Val	Ala	Pro	Gly	Glu				
465					470					475					480				
Arg	Pro	Ser	Gly	Met	Phe	Asp	Ser	Ser	Val	Leu	Cys	Glu	Cys	Tyr	Asp				
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Ala Gly Cys Ala Trp Tyr Glu Leu Thr Pro Ala Glu Thr Thr Val Arg
500 505 510

Leu Arg Ala Tyr Met Asn Thr Pro Gly Leu Pro Val Cys Gln Asp His
515 520 525

Leu Glu Phe Trp Glu Gly Val Phe Thr Gly Leu Thr His Ile Asp Ala
530 535 540

His Phe Leu Ser Gln Thr Lys Gln Ser Gly Glu Asn Phe Pro Tyr Leu
545 550 555 560

Val Ala Tyr Gln Ala Thr Val Cys Ala Arg Ala Gln Ala Pro Pro Pro
565 570 575

Ser Trp Asp Gln Met Trp Lys Cys Leu Ile Arg Leu Lys Pro Thr Leu
580 585 590

His Gly Pro Thr Pro Leu Leu Tyr Arg Leu Gly Ala Val Gln Asn Glu
595 600 605

Val Thr Leu Thr His Pro Ile Thr Lys Tyr Ile Met Thr Cys Met Ser
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625 630

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35 40 45

Val Leu Val Leu Asn Pro Ser Val Ala Ala Thr Leu Gly Phe Gly Ala
50 55 60

Tyr Met Ser Lys Ala His Gly Val Asp Pro Asn Ile Arg Thr Gly Val
 65 70 75 80

Arg Thr Ile Thr Thr Gly Ser Pro Ile Thr Tyr Ser Thr Tyr Gly Lys
 85 90 95

Phe Leu Ala Asp Gly Gly Cys Ser Gly Gly Ala Tyr Asp Ile Ile Ile
 100 105 110

Cys Asp Glu Cys His Ser Thr Asp Ala Thr Ser Ile Leu Gly Ile Gly
 115 120 125

Thr Val Leu Asp Gln Ala Glu Thr Ala Gly Ala Arg Leu Val Val Leu
 130 135 140

Ala Thr Ala Thr
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 <211> 142
 <212> PRT
 <213> Hepatitis C virus

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 35 40 45
 Lys Lys Lys Cys Asp Glu Leu Ala Ala Lys Leu Val Ala Leu Gly Ile
 50 55 60
 Asn Ala Val Ala Tyr Tyr Arg Gly Leu Asp Val Ser Val Ile Pro Thr
 65 70 75 80
 Asn Gly Asp Val Val Val Val Ala Thr Asp Ala Leu Met Thr Gly Phe
 85 90 95
 Thr Gly Asp Phe Asp Ser Val Ile Asp Cys Asn Thr Ser Asp Gly Lys
 100 105 110
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 Gly Lys Pro Gly Ile Tyr Arg Phe Val Ala Pro Gly Glu Arg
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Val	Leu	Val	Leu	Asn	Pro	Ser	Val	Ala	Ala	Thr	Leu	Gly	Phe	Gly	Ala
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Tyr	Met	Ser	Lys	Ala	His	Gly	Val	Asp	Pro	Asn	Ile	Arg	Thr	Gly	Val
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Arg	Thr	Ile	Thr	Thr	Gly	Ser	Pro	Ile	Thr	Tyr	Ser	Thr	Tyr	Gly	Lys
				85					90					95	
Phe	Leu	Ala	Asp	Gly	Gly	Cys	Ser	Gly	Gly	Ala	Tyr	Asp	Ile	Ile	Ile
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Cys	Asp	Glu	Cys	His	Ser	Thr	Asp	Ala	Thr	Ser	Ile	Leu	Gly	Ile	Gly
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145					150					155					160
Glu	Glu	Val	Ala	Leu	Ser	Thr	Thr	Gly	Glu	Ile	Pro	Phe	Tyr	Gly	Lys
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			180					185					190		
His	Ser	Lys	Lys	Lys	Cys	Asp	Glu	Leu	Ala	Ala	Lys	Leu	Val	Ala	Leu
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Gly	Ile	Asn	Ala	Val	Ala	Tyr	Tyr	Arg	Gly	Leu	Asp	Val	Ser	Val	Ile
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Gly	Lys	Pro	Gln	Asp	Ala	Val	Ser	Arg	Thr	Gln	Arg	Arg	Gly	Arg	Thr
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 35 40 45
 Val Leu Val Leu Asn Pro Ser Val Ala Ala Thr Leu Gly Phe Gly Ala
 50 55 60
 Tyr Met Ser Lys Ala His Gly Val Asp Pro Asn Ile Arg Thr Gly Val
 65 70 75 80
 Arg Thr Ile Thr Thr Gly Ser Pro Ile Thr Tyr Ser Thr Tyr Gly Lys
 85 90 95
 Phe Leu Ala Asp Gly Gly Cys Ser Gly Gly Ala Tyr Asp Ile Ile Ile
 100 105 110
 Cys Asp Glu Cys His Ser Thr Asp Ala Thr Ser Ile Leu Gly Ile Gly
 115 120 125
 Thr Val Leu Asp Gln Ala Glu Thr Ala Gly Ala Arg Leu Val Val Leu
 130 135 140
 Ala Thr Ala Thr Pro Pro Gly Ser Gly Met Phe Asp Ser Ser Val Leu
 145 150 155 160
 Cys Glu Cys Tyr Asp Ala Gly Cys Ala Trp Tyr Glu Leu Thr Pro Ala
 165 170 175
 Glu Thr Thr Val Arg Leu Arg Ala Tyr Met Asn Thr Pro Gly Leu Pro
 180 185 190
 Val Cys Gln Asp His Leu Glu Phe Trp Glu Gly Val Phe Thr Gly Leu
 195 200 205
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Gln

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33

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